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ABSTRACT

The handbook is intended to provide practical information regarding the building principal's role in the education of handicapped children in Alabama. The leadership role of building principals and their impact on successful special education programs are emphasized. The following aspects are examined (sample subtopics in parentheses): the building (access, special equipment or areas); the staff (training, interaction and coordination, paraprofessional training, special education teachers); the child (child find; tracking; and such specific identification and evaluation issues as confidentiality, multidisciplinary teams, reevaluation, and individualized education programs); the parent (notices, consents, due process hearings, surrogate parents, records); and employment and vocational training (vocational education). Two final sections outline suggested procedures for evaluation and present detailed sample IEP forms. (CL)

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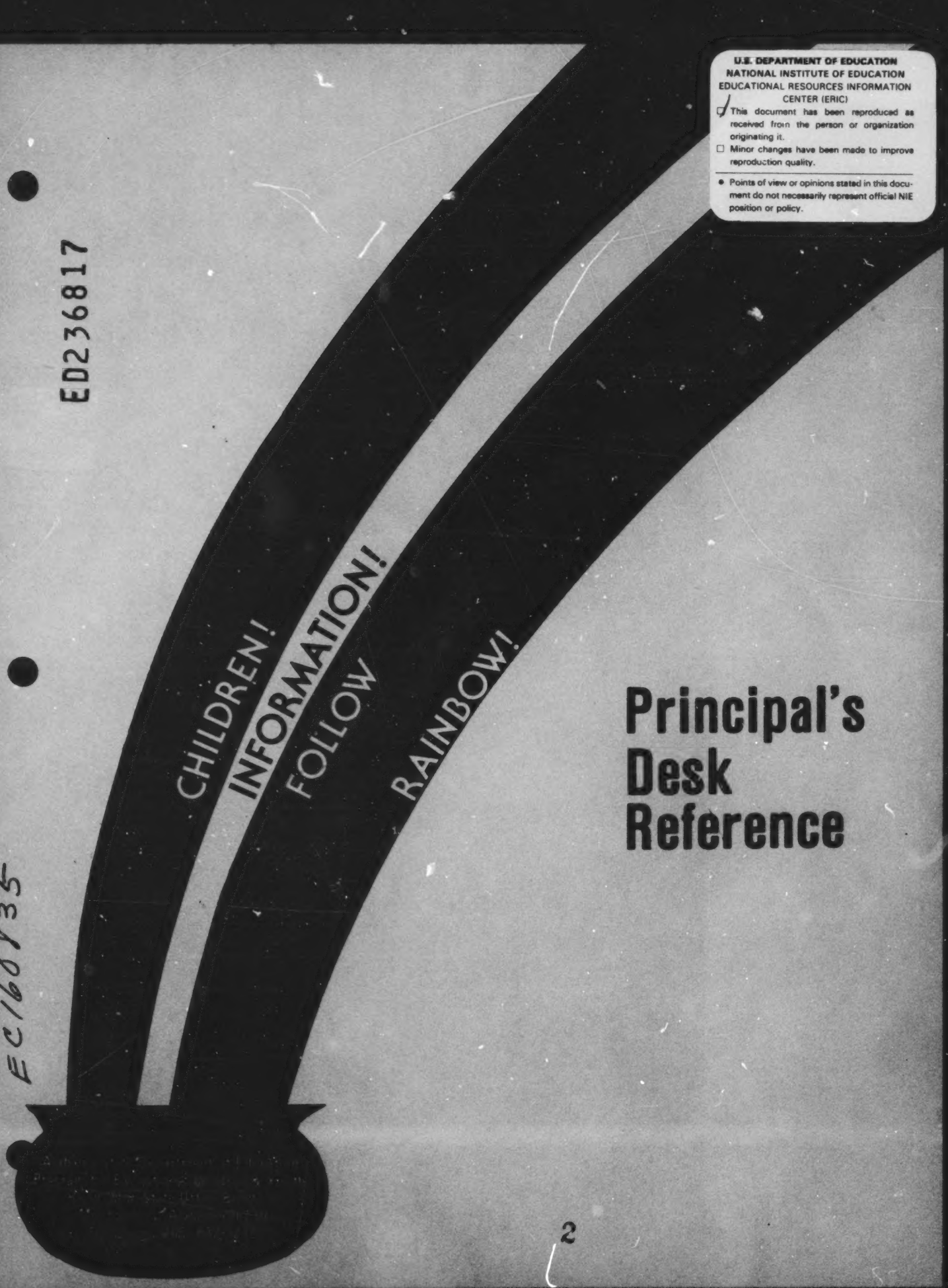

Principal's Desk Reference

EC160935

PRINCIPAL'S DESK REFERENCE

TO

THE EDUCATION OF HANDICAPPED CHILDREN

DEVELOPED FOR:

THE ALABAMA STATE DEPARTMENT OF EDUCATION

PROGRAM FOR EXCEPTIONAL CHILDREN AND YOUTH

DEVELOPED BY:

SOUTH ATLANTIC REGIONAL RESOURCE CENTER

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I. INTRODUCTION

The building principal is one of the most important people in any educational program. It is the principal who provides instructional leadership within the school. His/her knowledge of state and local educational policies and procedures has a direct impact upon the daily life of a school. The principal's leadership skills are especially crucial to the success of the special education child and the programs developed to serve that child.

The principal plays an important and demanding role in the provision of special education services. He/she directs the actual delivery of the special education program, and handles all inquiries and complaints from the local school board, the community, parent groups, teacher organizations, and students. The principal's patience, understanding, adaptability, and ingenuity in the execution of the state and federal statutes relating to education of the handicapped is of more value than all of the money the state and federal governments will spend in any year on education.

The intent of this guide is to provide practical information regarding the principal's role in the education of handicapped children. It should be viewed as a reference and resource.

II. THE BUILDING

A. Access

Provision: The program provided for a handicapped child, as designated by the Individual Education Program, (IEP), must be accessible to the child. (Sec. 504 §84.21, P.L. 94-142 §121a.552)

Therefore: A child in a wheelchair may not be assigned to a class setting on the second floor of a building which has no elevator or ramp. Both the appropriate program and access to the program, must be provided.

However: A child in a wheelchair may be assigned to a one-floor school with rotating class assignments, requiring that he move throughout the school.

B. Special Equipment or Areas

Provision: A student may not be excluded from any educational setting on the sole basis of a handicapping condition. (Sec. 504 §84.4., P. L. 94-142 §121a.304)

Therefore: An emotionally conflicted child may not be excluded from a vocational education woodworking class, which uses dangerous power equipment, just because he is emotionally disturbed.

However: An emotionally conflicted child may be denied access to a vocational education woodworking shop, which uses dangerous tools, if the child has no internal controls of his behavior, refuses to respond to authority, and through a combination of behavior, educational needs and inabilities is not capable of benefiting from that program.

Note: The imposition against "automatic exclusion" does not mean "automatic inclusion."

C. Adaptations

Provision: A handicapped student may not be provided with services different from those provided to normal peers, unless such differences are necessary to provide the handicapped student with services as effective as those provided to normal peers. (Sec. 504 §84.34 and §84.37, P. L. 94-142 §121a.227)

Therefore: A mentally retarded child may not be provided with a restricted play area away from other peers at recess, simply because he might get hurt on the swings or slides, or knocked down by a running child.

However: A class of handicapped children, or a class with a handicapped child present may have a recess time which is not heavily used by other classes, in order to reduce or eliminate dangers from other running children.

III. THE STAFF

A. Training-Comprehensive System of Personnel Development (CSPD)

Provision: Each state must design plans for a comprehensive system of personnel development on matters related to P. L. 94-142. These procedures are to include in-service training to meet certification requirements and dissemination of information. (P. L. 94-142 §121a.12, 121a.224, 121a.380, 121a.382 (e) and 121a.382 (f); Alabama Exceptional Child Act No. 106, S. 13, §12)

Therefore: Each school system must submit a yearly in-service plan to the State Department of Education.

However: While a single school building is not responsible for the development of a comprehensive system of personnel development, it is considered as a part of that state's plan in the role of participant.

B. Interaction and Coordination

Provision: Each handicapped child is expected to maintain direct contact within educational, non-academic, and extracurricular activities, with his normal peers to the maximum extent appropriate to the needs of the handicapped child, and those of peers. (Section 504 §84.37; P. L. 94-142, §121a.550-554; AL Exceptional Child Act No. 106, S. 13, §8)

Therefore: Many handicapped children within a regular school can be educated appropriately by special education for part of the day, while at other times they can be part of the regular education activities. This will require understanding, support, and supplementary training of all staff involved.

However: A handicapped child's inclusion within a normal population should be weighed on the basis of the child's needs and abilities, as well as the needs and abilities of the normal population. Decisions for inclusion should not be automatic either for or against, but rather should be developed individually for each child. Written documentation of how decisions were made are recommended as a safeguard for both the student and the school personnel.

C. Adapted Physical Education

Provision: If specially designed physical education is prescribed in a student's IEP, it must be provided by the LEA. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §22; P. L. 94-142 §121a.307)

Therefore: Additional space and modified scheduling may be necessary to provide this service to certain children.

However: Full evaluation procedures are required prior to any provision of service, and it is recommended that a medical report be included in the child's file.

D. Special Education Teachers

Provision: All teachers assigned to special education units must be certified in the exceptionality being taught. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §27, P. L. 94-142 §121a.12)

Therefore: Only certified teachers may be employed.

However: In cases of new employees, printed verification of preparation courses, as well as copies of application for certification, will suffice until the certificate is issued.

E. Substitutes

Provision: In the absence of a special education teacher, a substitute must be provided. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §28)

Therefore: Each substitute employed must be trained to work with exceptional children.

However: Training may be provided within the LEA.

F. Paraprofessional Training

Provision: Paraprofessionals assigned to work with exceptional children must have a minimum of 30 hours of training prior to the assignment. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §30)

Therefore: The use of paraprofessionals is restricted to qualified or trained personnel.

However: The required training must be completed by the end of the first six months of employment and may be provided by the local education agency, through in-service in cooperation with the SEA or an institution of higher education.

G. Paraprofessionals in the Classroom

Provision: In the absence of a regularly employed aide for a multi-handicapped or emotionally conflicted class, a substitute aide must be employed for both the classroom and bus. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §31)

Therefore: The same training required of a substitute teacher for special education must be required of the substitute aide.

However: Inability to obtain qualified aides must be documented at the LEA level.

H. Attendance Records

Provision: Daily Attendance records are required on all special education students. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §32)

Therefore: Provision of service is to be documented through attendance records as outlined in the student's IEP.

However: Time spent in regular classes need only be indicated on the IEP as regular subject area.

I. Materials

Provision: LEAs are required to provide the instructional materials and special equipment necessary to implement each IEP. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §33)

Therefore: Requests for necessary supplies and equipment should be seen as separate from a school's regularly allotted supply and equipment budget.

However: Transfer of children to different programs or locations would affect the allocation of these supplies.

IV. THE CHILD

A. Child Find

Provision: Each state and local school system must develop and implement a plan to identify all handicapped students, within the confines of the geographic area of their jurisdiction, who require special education. (Section 504 §84.32; P. L. 94-142 §121a.128, 220, 320, and 323; Alabama Exceptional Child Act No. 106, S. 13, §4)

Therefore: Schools will participate in pre-kindergarten surveys, such as through contact with pediatricians, interaction with other public agencies, and other provisions designated by the SEA or the LEA designed to identify school aged children in need of special education.

However: Parents of children who have elected to use private schools for their handicapped child need merely be notified of the availability of public service and are not required to participate.

B. Tracking

Provision: Each LEA must develop a system for tracking all students referred, evaluated, placed, served, or reevaluated for special education and related services. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §6; P. L. 94-142 §121a.530-534)

Therefore: There must be documentation of services from time of referral to time of placement or continuation and all procedures must conform to state and federal regulations for time limits.

However: Tracking should include provisions to follow three year reevaluations and annual updates of IEPs.

C. Identification and Evaluation

1. Parental Permission

Provision: Prior to the evaluation, placement, program development, or change of placement, the parents of a handicapped child, or suspected handicapped child, must be notified of the school's desire to evaluate their child, and permission for such evaluation must be acquired from the parents. (P. L. 94-142 §121a.504 Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, Nos. 31, §10, 16, and 35)

Therefore: Each school system will follow procedures developed by the special education coordinator.

However: Should the parents refuse permission, the school board has the right to employ due process procedures to acquire permission in those instances when the identification and later service to a handicapped child is deemed vital to the child or his peers.

Note: Please refer to the Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, Nos. 31, §10, 16, and 35 for minimum standards of required components of permission and notification forms, and also see sample forms which are included in Section VIII. of this publication.

2. Confidentiality of Personally Identifiable Data

Provision: Each state must insure that all personally identifiable data connected to any individual handicapped child or parent is kept confidential. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §11; P. L. 94-142, §121a.129)

Therefore: Each school principal should utilize the internal system which has been developed and approved by the central office. This system should guard the confidentiality of all school records on each handicapped child within that school. Access to such data should be by authorized personnel only.

However: Completion of SEA demographic forms in order that the SEA might fulfill their requirements of Section 504 or P. L. 94-142 to the Special Education Programs in Washington would not be seen as a violation of confidentiality.

Note: Refer to Bulletin 1980, No. 31, §11, for full regulations.

3. Native Language

Provision: All evaluation materials must be presented to the child in the child's native language or most suitable mode of communication. (P. L. 94-142 §121a.532)

Therefore: Principals should insure, in cases where this provision is operable, that the psychological staff is alerted prior to any scheduled evaluation. Every effort should be made to determine if the child's native language is other than English.

However: Foreign native languages by the parents should not automatically be thought of as native language of the child. Judgment is necessary in some cases.

4. Validated Instruments

Provision: Any evaluation measure used with a handicapped child must be validated to the specific purpose for which it is used. (P. L. 94-142 §121a.532)

Therefore: One must be sure to use specific evaluation measures to evaluate particular content areas and not infer results of one measure to other areas.

However: Qualified evaluators may still interpret specific test results within the parameters of each test and in relation to its particular content area.

5. Qualified Examiners

Provision: Only persons listed on The Alabama Register of Approved Psychologists and Psychometrists for Testing Children Referred for Placement in Special Education Classes may administer intellectual evaluations, and all other standardized measures may only be administered by persons qualified according to the manufacturer's standards. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §13; P. L. 94-142 §121a.532)*

Therefore: As part of his/her administrative duties the principal should be sure that the school's evaluation team use only those measures which they are qualified to administer.

However: Use of test data is not limited to the tester and may be used by other school staff.

6. Additional Measures

Provision: The evaluation of any child should consist of more than one measure, and result in the examination of specific areas of educational need as reflected by more than a single IQ score. (P. L. 94-142 §121a.532)

Therefore: The principal should be sure that the basis for a program or placement decision is widened during the evaluation process by multiple measures of ability, behavior, and psychological status.

However: Each evaluation should be individually tailored to examine the functioning of a handicapped child in light of his/her problems with regular education, and therefore, an evaluation should not consist solely of a set package of tests or measures.

*Note: This provision was amended on March 25, 1982, by the State Superintendent of Education as follows: "Certification in school psychometry or psychology, formal placement on the roster, licensure by the Alabama Board of Examiners in Psychology, or licensure by the Alabama Board of Examiners in Counseling are appropriate credentials for individuals to test children for special education eligibility." School systems will be responsible for maintaining a file documenting the qualifications of persons who test children for special education eligibility.

7. Beyond the Handicapped

Provision: It is required that the scope of evaluation be extended beyond the confines of mere examination of a single handicap. (P. L. 94-142 §121a.532)

Therefore: The principal must be sure that the diagnosis of one handicap does not end the search for the total parameters of a handicapped child's abilities and needs.

However: The results of a test to measure the extent of a blind child's academic ability should not be influenced by the child's blindness.

8. Multidisciplinary Team

Provision: More than one individual is required to conduct an evaluation of a handicapped child or suspected handicapped child. (P. L. 94-142 §121a.532)

Therefore: The principal should be sure that each team is composed of two or more individuals, one of whom is a teacher or specialist with knowledge in the suspected area of disability.

However: The membership or size of an evaluation team does not need to be fixed and constant, and should reflect the philosophy that the team was selected based on the child's specific and individual needs.

D. Reevaluation

Provision: A reevaluation of every diagnosed handicapped child is required at least every three years. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §34; Section 504 §84.35 (d); P. L. 94-142 §121a.534)

Therefore: Some system of notation and scheduling should be included in each handicapped child's data package to insure timely compliance with the need for reevaluation.

However: Due to changes in behavior or functioning, earlier reevaluation is not prohibited and may be indicated by radical changes in behavior, ability, or medical integrity.

E. Individual Education Program (IEP)

1. Written Plan

Provision: Each LEA is required to initiate and conduct meetings at which a written plan is developed which serves as a description of a full year's (or part thereof) individualized educational program for each handicapped child. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §18; P. L. 94-142 §121a.340-43)

Therefore: The principal must be sure that a system is in place to insure a regular schedule of annual meetings at which each handicapped child's IEP is reviewed, revised, and designed for the coming year.

However: Major events which cause marked changes in a handicapped child's behavior, ability, or progress might result in a need for IEP revision before a year has elapsed.

2. Scheduling of IEP Meetings

Provision: Prior written notice to parents and mutually agreed time scheduling of the IEP meeting is required. (P. L. 94-142 §121a.343)

Therefore: The principal as administrator for his/her school must be sure that the system of IEP design and implementation developed by an LEA includes a systematic procedure for parental notice.

However: Should a parent or parents of a handicapped child ignore or miss scheduled IEP meetings, the IEP meeting may be conducted in their absence as long as the LEA has written documentation that attempts had been made to schedule a meeting and involve parents.

3. Personnel at IEP Meetings

Provision: The actual membership of an IEP committee is described and required. They are: the child's teacher, one or both parents, the child, (when appropriate), one member of the evaluation team, (or other personnel member knowledgeable of evaluations) and a representative of the LEA other than the child's teacher who is qualified to provide or supervise the provision of special education. (P. L. 94-142, §121a.344-45)

Therefore: The principal must be sure the IEP membership committee meets all rules and regulations.

However: The list presented above should not be seen as a maximum membership, but rather a minimum.

F. Least Restrictive Environment

Provision: It is required that a placement be designated that fulfills the IEP. It is further required that this placement be as close to a normal or regular class with as much contact and integration with normal children as educationally appropriate for both the handicapped child and his normal peers. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §19; Section 504, §84.34; P. L. 94-142, §550-52)

Therefore: The principal must be aware of the instructional options available for alternative placement. A continuum of service possibilities may include regular class with indirect services, regular class with direct services, regular class with resource room services, special education class with part time in regular class, self-contained in regular school/interaction with non-exceptional peers, self-contained in regular school/no interaction with non-exceptional peers, self-contained in public day school, self-contained in private day school, public residential school, private residential school, and hospital/homebound program.

However: The least restrictive environment placement of any handicapped child should be decided by considering the needs of the child as well as those of his normal peers and should be supported through the integration of special education support services to regular education.

G. Related Services

Provision: It is required that a free appropriate education for handicapped children include related services. Related services mean.... "transportation, and such developmental, corrective and other supportive services as are required to assist a handicapped child to benefit from special education, and includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes." The term also includes school health services, social work services in schools, and parent counseling and training. (Section 504 §84.33 and §84.37; P.L. 94-142 §121a.13)

Therefore: The principal must be aware of available community related services resources and care should be taken to include all necessary related services within the IEP.

However: The law requires an "appropriate" education and related services, <u>not</u> "the best" education and related services.

H. Preschool Programs

Provision: Preschool exceptional children must have the same access to developing regular preschool programs as normal preschool children, or have available special preschool programs designed for exceptional children. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §9)

Therefore: The principal must be sure that preschool exceptional children are not excluded, on the sole basis of their handicap, from the regular program for preschool children.

However: The same rules of appropriateness, individual needs, group needs, and provisions still apply.

I. Private School Integration

Provision: Exceptional children and youth placed in a private school by the LEA will be provided with such special education as outlined in their IEP at no cost to parents, and they will be integrated into all possible extra school activities offered by their LEA. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §21; Alabama Act 106, §6; P. L. 94-142, §121a.347, 121a.400-403)

Therefore: The principal must have a working knowledge of the rules and regulations regarding private school placement. It should be remembered that all placement should follow the needs of the child as outlined in the evaluation and IEP.

However: Children placed in private facilities by the unilateral action of their parents shall not be the financial responsibility of the LEA, but service for extracurricular activities should be made available.

J. Home and Hospital Instruction

Provision: Exceptional children are entitled to home and hospital instruction under the same conditions as a normal child. A physician's referral is required, as well as an anticipated absence of at least six weeks. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31, §24)

Therefore: The principal should be familiar with system procedures regarding home and hospital instruction programs. Consideration should be given to the training of home and hospital instructors in order that they might qualify as service providers of exceptional children.

However: Use of home and hospital instruction is not limited to only those exceptional children who are physically handicapped.

K. Length of School Day and Year

Provision: All SEA rules and regulations concerning the length of the school day and year apply to all programs for exceptional children and youth. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §26)

Therefore: Special education programs are in operation the same number of hours and days as regular education programs.

However: Children within these programs may be scheduled for lesser amounts of time according to their IEP.

V. THE PARENT

A. Notices

Provision: A written notice must be sent to parents of handicapped children, or parents of suspected handicapped children prior to: an evaluation of their child; a planned classification of an evaluated child as handicapped; an IEP conference; a planned move from one setting to another of a handicapped child; a proposed initial placement of a handicapped child in a special education setting; a planned termination of special education service; the results of an evaluation which determined their child as ineligible for special education service. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §17; P. L. 94-142 §121a. 504-5)

Therefore: The principal must be knowledgeable regarding the system's policies and procedures in this matter. All approved forms and notices should be used and a double check system to insure their appropriate usage should be in place.

However: Consent must be obtained prior to initial placement in special education.

B. Consents

Provision: It is required by both state and federal regulations that parental agreement be acquired prior to the initial evaluation and placement of their child under special education. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, Nos. 31 §10, 16, 35; P. L. 94-142 §121a.504)

Therefore: The principal must be knowledgeable regarding the system's policies and procedures concerning parental consent. The system of notice should include the acquisition of permission or consent on standardized forms.

However: The refusal of parents to grant consent for any LEA-determined programming with a handicapped child can be appealed through the due process system in order to accomplish the provision of appropriate publicly supported special education and related services for a handicapped child.

C. IEP

Provision: The laws provide for the involvement of parents in the IEP process. This includes prior written notice to parents, mutually agreed time of the IEP meeting, and membership on the IEP committee. (P. L. 94-142 §121a.344-45)

Therefore: The principal must be sure that the system of IEP design and implementation developed by the LEA includes a systematic procedure for parental notice. She/he must also see to it that the IEP membership committee meets all rules and regulations.

However: Should a parent or parents of a handicapped child ignore or miss scheduled IEP meetings, the IEP meeting may be conducted in their absence as long as the LEA has written documentation that attempts had been made to schedule a meeting and involve parents.

D. Data Access and Confidentiality

Provision: Parents of a handicapped child have the right to examine and obtain copies, at cost, of all school system maintained records on their child. In addition, they have the right to be assured by the LEA that their child's records are considered confidential, and that access to those records is restricted to appropriate educational personnel. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §7; P. L. 94-142 §121a.221)

Therefore: The principal must be able to implement the system's policies and procedures in this area within his/her building. Maintenance of handicapped children's records must facilitate parental access to and confidentiality of those records.

However: The requirement of a scheduled appointment in order to prevent parental abuse of rights is not prohibited.

E. Hearings Under Due Process

Provision: It is provided, as a parental right, that when parents of a handicapped child, or suspected handicapped child, disagree with an LEA in terms of placement, evaluation, or programming for their child, and no common ground can be found, and no agreement reached, the parents have the right to request a due process hearing. (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §5; P. L. 94-142 §121a.506)

Therefore: It is the principal's responsibility to see to it that parents are informed of their rights and responsibilities in this area. This includes knowledge of each step of the process.

However: The LEA has the right to request a due process hearing to resolve differences with parents.

F. Placement During Hearing Process

Provision: It is required that the child remain in his last approved placement once an appeal to hearing has been initiated. In the case where a child is not receiving special education, the child is to retain placement in regular education; in the case of no placement, a mutually agreed upon interim placement is to be provided, which may include home and hospital tutorial service. (P. L. 94-142 §121a.513)

Therefore: It is the principal's responsibility to keep all building level staff notified as to the status of the hearing and why change in placement is temporarily suspended.

G. Amendment of Records at Parental Request

Provision: Parents may request amendment of their handicapped child's records when they believe that a change is necessary to protect their child's right of privacy, or other rights, or when they believe the information to be misleading or inaccurate. (P. L. 94-142 §121a.567)

Therefore: The principal should be aware of the system's procedures and implementation process in this area.

However: The LEA may refuse to change the records, however, the parents then have the right to a local hearing. The LEA must inform the parents of that right when a decision is made to refuse to change the records. Parents also have the right to have their objection included in their child's file.

H. Destruction of Records

Provision: The LEA is required to notify parents of a handicapped child when personally identifiable information on their child is no longer needed, and those records must be destroyed, if requested by the parents. (P. L. 94-142 §121a.573)

Therefore: The principal should be aware of and utilize the system's policies regarding notice and destruction of records.

However: A permanent record of the child's name, address, telephone number, grades, attendance record, classes attended, grade level completed, and year completed may be permanently maintained.

I. Information to Parents

Provision: Some form of written notice, in the parents' native language, is required in order to inform parents of handicapped children of the federal and state regulations relating to their rights and their child's rights. This information should address evaluation, IEPs, record maintenance, confidentiality, program provisions, and due process hearings. (P. L. 94-142 §121a.561)

Therefore: The principal should be aware of and cooperate with SEA statewide notification prior to major evaluation and identification activities. This may include newspaper or other media alerts.

However: These activities should not supplant the written notice or consent form to an individual parent of a handicapped child prior to evaluation, placement, transfer, identification, or programming.

J. Surrogate Parents

Provision: "Surrogate parents must be assigned to handicapped or suspected handicapped students when no parent can be identified, the whereabouts of a parent is unknown, or if the student is a ward of the state." (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §12; P. L. 94-142 §121a.514)

Therefore: The principal should be aware of the system's provisions regarding surrogate parents and implement those provisions accordingly.

However: In cases of single parents, a second surrogate need not be appointed.

K. Independent Evaluation

Provision: "Local education agencies must insure that parents of all exceptional children are to be informed of the right to obtain an independent educational evaluation at public expense." (Alabama Policies and Procedures Manual: Program for Exceptional Children and Youth, Bulletin 1980, No. 31 §14; P. L. 94-142 §121a.503)

Therefore: The principal should be familiar with the information bulletin (developed in cooperation with the SEA) which describes parental rights. This bulletin must be distributed to each parent of a handicapped child or suspected handicapped child.

However: The principal should be aware of the procedures to be followed in regard to this issue. It should be remembered that the LEA may appeal through the hearing process to show that their evaluation is appropriate. Should the hearing officer agree with the LEA, the parents may obtain an independent evaluation as part of the child's records, but the parents will be responsible for the cost of the evaluation.

VI. EMPLOYMENT AND VOCATIONAL TRAINING

A. Employment of Handicapped Individuals

Provision: Principals, as interviewers and recommenders of staff for employment, are prohibited from any discriminatory employment practices from classification through pay and benefits, which affect handicapped individuals. (Section 504 §84.11)

Therefore: The refusal to employ a teacher who is sensorially or physically handicapped, on the mere basis of that handicap, is prohibited.

However: The refusal to employ a blind teacher as the sole instructor of a preschool class of 15 four year olds, on the basis of the children's needs and safety, would perhaps be justified. The development of job descriptions for all staff positions would be helpful.

B. Vocational Education

Provision: Every handicapped secondary student must have access to vocational education programs where appropriate.

Therefore: The principal should encourage both prevocational activities and the continued programming for middle or secondary school vocational training. Options must be available.

However: The LEA may have admissions criteria for certain programs to ensure safety.

VII. SUGGESTED PROCEDURES CHECKLIST

A. Referral received from parent, teacher, principal, or significant other, to obtain an evaluation on child to confirm or negate the need for special education.

B. Notice and Request of Permission and Parental Rights information mailed to parents of the child.

C. Permission received -- refer to Special Education Department. Copies of permission enclosed with referral.

D. Permission denied -- LEA decision to pursue and request a hearing.

E. Evaluation team designated, and date scheduled.

F. Evaluation administered, and report completed.

G. LEA decision to provide/refuse special education.

H. Notice to parents of LEA decision and Notice of Ineligibility, if appropriate.

I. Notice to parents of request for IEP conference.

J. IEP conference scheduled and completed.

K. Parental permission signed for transfer to special education.

L. Parental permission refused -- LEA decision to pursue to due process hearing.

M. Child's file noted for reevaluation 3 years hence.

N. Child's file noted for IEP conference 1 year hence, or sooner.

VIII. SAMPLE IEP FORMS

REVISED

SAMPLE FORMS

FOR THE

INDIVIDUALIZED EDUCATION PROGRAM

DEVELOPMENTAL PROCESS

PROGRAM FOR EXCEPTIONAL CHILDREN AND YOUTH

ALABAMA STATE DEPARTMENT OF EDUCATION

Revised July 1982

INTRODUCTION

Local education agencies are required by state and federal regulations to develop and implement Individualized Education Programs (IEPs) for all exceptional students receiving special education and related services. A carefully planned IEP to meet the needs of the exceptional student is the key factor in the student's success. The successful implementation of the IEP ensures the student a free appropriate educational opportunity.

The Individualized Education Program is a written statement indicating what special education and related services must be provided to meet the unique needs of each exceptional student. Each IEP must include:

a. A statement of the child's present levels of educational performance;

b. A statement of annual goals, including short-term instructional objectives;

c. A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;

d. The projected dates for initiation of services and the anticipated duration of services; and

e. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved.

Each local education agency is responsible for planning and conducting meetings for the purpose of developing, reviewing, and revising the IEP for each exceptional student. Parents must be included in making these plans for their child and they must be fully informed and included in decision making at all steps of identification, child evaluation, planning, programming, and program evaluation. The development of the IEP is a process of sequential steps which the following forms are designed to accomplish.

IEP-FORM I

INITIAL REFERRAL FORM FOR EVALUATION SERVICES

If a student is suspected of needing special education or related services, this form should be completed by appropriate school personnel, parent or guardian. The process of screening and evaluation is then initiated.

INITIAL REFERRAL FORM FOR EVALUATION SERVICES

Date _____

1. REFERRING AGENCY _____ PERSON REFERRING _____

NAME OF CHILD _____

DATE OF BIRTH _____ AGE _____ SEX _____

NATIVE LANGUAGE SPOKEN IN THE HOME _____

NAME OF PARENT, GUARDIAN OR SURROGATE PARENT _____

COMPLETE ADDRESS _____

_____ ZIP CODE _____ TELEPHONE _____ (Home) _____ (Work)

SPECIFIC REASONS FOR REFERRAL _____

_____

_____

_____

_____

2. EDUCATIONAL RECORD (If not enrolled, state reason)

a. Present School and Address

_____

_____

b. Present Class Placement

_____

_____

c. PRIOR EVALUATIVE INFORMATION:

DATE	TEST	SCORES	AGENCY

3. MEDICAL REPORTS

DATE	PHYSICIAN	DIAGNOSIS

IEP-FORM II

REQUEST FOR PARENTAL PERMISSION TO EVALUATE

The "Parental Rights in Special Education" (Form IIc) should be placed in the hands of every parent or guardian of an exceptional child with an explanation of its purpose.

Parental consent must be obtained before conducting a pre-placement evaluation. This signed Request For Permission to Evaluate may serve as parental consent upon the request of either the school system or the parents.

This letter to the parents for permission to evaluate includes a list of the types of tests and evaluation procedures rather than the name of specific tests so that the parent may better understand the purposes of the proposed testing and the evaluators may select specific tests suitable to the individual student's needs.

Mail the school copy and parent copy. The school copy is to be returned for the school files and the parent copy is for the parent's record. Appropriate documentation of parent notification/involvement is required by state and federal regulations.

Example:

Type of Test/Procedures	Proposed Date
Individual Intelligence Test - measures of general intelligence	_____
Speech, Vision and Hearing Screening	_____
Educational Evaluation - measures of academic achievement	_____
Behavior Rating Scales	_____
Measures of Motor Development	_____
Social Maturity Scale	_____
Other (Specify)	_____

(When mailing form enclose a stamped, self-addressed envelope for returning.)

REFUSAL TO EVALUATE

If a request for an evaluation has been made and the LEA refuses to do the evaluation, they must write the parent or guardian a notice describing the action refused and the options considered and why they were refused. The notice must include a description of all procedural safeguard rights of parents and a description of any other relevant factors.

IEP-FORM II

CHECKLIST FOR

REQUEST FOR PARENTAL PERMISSION TO EVALUATE

Does the request for parental permission to evaluate a child inform the parents of:

	Yes	No
the school's responsibility to provide the evaluation?	_____	_____
the description of the proposed action(s)?	_____	_____
the purpose of the proposed action(s)?	_____	_____
the person referring the student?	_____	_____
the options considered and reasons options were rejected?	_____	_____
the type of test and procedures to be used?	_____	_____
their right to examine or make copies of relevant records regarding the identification, evaluation and placement of the student for a free appropriate public education?	_____	_____
a school person to serve as the contact person between the schools and parents?	_____	_____
the right to be informed of the results of the evaluation?	_____	_____
their rights to participate in all educational planning meetings?	_____	_____
the fact that the educational status will not be changed without the knowledge and consent of the parents?	_____	_____
the right to refuse the evaluation?	_____	_____
the date the parent either grants or refuses permission to evaluate?	_____	_____
their right to request a due process hearing if they disagree with the school procedures or actions leading to the testing?	_____	_____
the school system's right to request a hearing if the parents refuse to permit an evaluation?	_____	_____
the right to obtain an independent evaluation after the school has evaluated, at public expense unless evidence is presented that the local agency's evaluation is appropriate?	_____	_____
the written consent of the parents?	_____	_____
the date consent was given?	_____	_____

REQUEST FOR PARENTAL PERMISSION TO EVALUATE

IEP FORM IIa
(School Copy)

(Local Education Agency)
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

_____ would like to provide an evaluation for _____
(School System) (Student's Complete Name)
to assure that he/she has an appropriate education program. The referral was made by _____
_____ for an evaluation after the following options were considered:

_____

_____

_____

Those options were rejected because: _____

_____

_____

The evaluation would include the following:

Type of Test/Procedure	Proposed Date of Evaluation
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

You have the right to see, inspect or make copies of education records in the student's school file.

When the evaluations are completed you may wish to discuss the results. If this evaluation shows that the student is eligible for special education programs and services, we will ask you to help in preparing an individualized education program. The educational programs of the student will not be changed without your knowledge. If you do not agree with the school's evaluation you have a right to get an outside evaluation at public expense by a qualified examiner certified/approved by the State Department of Education unless the school system can present evidence through due process procedures that the school's evaluation is appropriate.

If you do not feel the need to review the student's records or request a conference and you agree to an evaluation as outlined above, please give your consent by signing below.

If you DO NOT AGREE to an evaluation as outlined above, please sign below. We will contact you to arrange a personal conference as soon as possible. If an agreement cannot be reached, we may ask for a due process hearing for a decision. You have a right to request a due process hearing if you disagree with school procedures or actions leading to testing.

If you wish to see the records or arrange a conference to discuss the referral and/or the evaluation procedures and instruments you may call:

_____
(Staff Member) (Telephone) (Hours to Call)

I AGREE to an evaluation: _____ _____
(Signature of Parent) (Date)

I DO NOT AGREE to an evaluation: _____ _____
(Signature of Parent) (Date)

PLEASE RETURN THE SCHOOL COPY IN THE ENCLOSED ENVELOPE WITHIN TEN (10) DAYS. KEEP THE PARENT COPY FOR YOUR INFORMATION.

PARENTAL RIGHTS IN SPECIAL EDUCATION

As a parent of a child who is receiving special education benefits, you have certain rights which are safeguarded by state or federal statute. We want you to know about these rights.

The rights to which you are entitled are listed below in abbreviated form under nine headings. If you would like a further explanation of any of these rights, you may contact the principal, the special education coordinator, your superintendent of schools or the Program for Exceptional Children and Youth, Alabama State Department of Education, State Office Building, Montgomery, Alabama 36130 (832-3230).

RECORDS:

1) Right to inspect and review records; 2) Right to make copies of records; 3) Right to be informed of all types and locations of records being collected, maintained or used by the agency; 4) Right to ask for an explanation of any item in the records; 5) Right to ask for an amendment of any record on the ground it is found inaccurate, misleading or violates privacy rights; 6) Right to a hearing if the agency refuses to make the requested amendment.

INDEPENDENT EVALUATION:

1) Right to an independent educational evaluation; 2) Right to have the independent evaluation considered when placement and program decisions are made; 3) Right to be told where an independent evaluation may be obtained at no expense or low expense; 4) Right to have the agency pay for the independent evaluation if the agency's evaluation is not appropriate; 5) Right to be told the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained.

NOTICE:

1) Right to notice before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation or placement of your child; 2) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public; 3) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected; 4) Right to be notified of each evaluation procedure, test record or report the agency will use as a basis for any proposed action.

CONSENT:

5) Right to give consent before an evaluation is conducted and before initial placement is made in special education; 6) Right to revoke consent at any time; 7) Right of the agency to proceed in the absence of consent to a hearing to determine if your child should be initially placed.

HEARINGS:

1)Right to request an impartial due process hearing to question the agency's identification, evaluation, or placement of your child or to question the agency's provision of a free appropriate public education; 2) Right to have the hearing conducted by the State Education Agency; 3) Right to be told of any free or low-cost legal and other relevant services available (e. g., expert on handicapping conditions that may be a witness at the hearing); 4) Right to have the hearing chaired by a person not employed by a public agency involved in the education of your child or otherwise having any personal or professional interest in the hearing; 5) Right to see a statement of the qualifications of the hearing officer; 6) Right to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the handicapped; 7) Right to have your child present; 8) Right to have the hearing open to the public; 9) Right to present evidence and confront, cross-examine and compel the attendance of witnesses; 10) Right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; 11) Right to have a record of the hearing; 12) Right to obtain written findings of fact and a written decision within 45 days after the State Education Agency received the initial request for the hearing; 13) Right to appeal to the Alabama State Board of Education and receive a decision within 30 days of the filing of an appeal; 14) Right to have a hearing and an appeal set at a time reasonably convenient to the parent; 15) Right to appeal a decision from the State Board of Education in court; 16) Right to have your child remain in his or her present educational placement during the pendency of the administrative proceeding, unless parent and agency agree otherwise.

EVALUATION PROCEDURES:

1) Right to have a full and individual evaluation of your child's educational needs; 2) Right to have more than one criterion used in determining an appropriate educational program for your child; 3) Right to have the evaluation performed by a multidisciplinary team; 4) Right to have your child assessed in all areas related to the suspected disability 5) Right to have a re-evaluation every three years or more frequently if conditions warrant or if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1) Right to have your child educated with non-handicapped children to the maximum extent appropriate; 2) Right to have your child removed from the regular educational environment only after supplementary aids and services were tried and found unsatisfactory; 3) Right to have a continuum of alternative placements so that removal from the regular educational environment can be the least necessary deviation; 4) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement; 5) Right to have a placement in the school your child would attend if non-handicapped unless the individual education plan requires some other arrangement 6) Right of your child to participate with non-handicapped children in non-academic and extra-curricular services and activities such as meals, recess, counseling, clubs, athletics, and special interest groups.

CONFIDENTIALITY OF INFORMATION:

1) Right to restrict access to your child's records by withholding consent to disclose records; 2) Right to be informed before information in your child's file is to be destroyed; 3) Right to be told to whom information has been disclosed. 1

INDIVIDUALIZED EDUCATION PROGRAM:

1) Right to attend the meeting to develop, review or revise the Individualized Education Program (IEP); 2) Right to be notified of the IEP meeting early enough to ensure an opportunity to attend; 3) Right to have the IEP meeting scheduled at a mutually agreed upon time and place; 4) Right to an interpreter for those parents who are deaf or whose native language is ofther than english; 5) Right to a copy of the IEP upon requests; 6) Right to bring other peopel to the IEP meeting; 7) Right to ask for a revision of the IEP.

YES, as parents of children who are enrolled in special education, you have many rights. And for each of these rights, there are certain responsibilities ... both for you, as parents, and for your school system. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. Also, you are urged to assist the school by attending IEP conferences and by keeping the lines of communication open at all times. When you are unhappy with your child's education, it is important to tell your school principal or coordinator of special education. If you need further assistance in talking to people in the school system, there are parent groups where you can obtain help and where you can talk freely and openly about your concerns. Also, you can contact the State Department of education. But first and foremost, talk to your child's teacher, your principal, or other school administrators. Schools are there to help children grown and develop into capable adults. But schools need the help and cooperation of parents, too.

1 These rights may be found in the Federal Register. The format in which they appear in this notice is based on Educational Rights of Handicapped Children (pp. 29-30), Reed Martin, Author, Research Press Company, 1977.

I have received and understand my rights.

41

_____ _____

(Parent's Signature) (Date)

IEP FORM IIb
(Parent Copy)

REQUEST FOR PARENTAL PERMISSION TO EVALUATE

(Local Education Agency)
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

_____ would like to provide an evaluation for _____
(School System) (Student's Complete Name)
to assure that he/she has an appropriate education program. The referral was made by _____
_____ for an evaluation after the following options were considered:

_____

_____

_____

Those options were rejected because: _____

_____

_____

The evaluation would include the following:

Type of Test/Procedure	Proposed Date of Evaluation
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

You have the right to see, inspect or make copies of education records in the student's school file.

When the evaluations are completed you may wish to discuss the results. If this evaluation shows that the student is eligible for special education programs and services, we will ask you to help in preparing an individualized education program. The educational programs of the student will not be changed without your knowledge. If you do not agree with the school's evaluation you have a right to get an outside evaluation at public expense by a qualified examiner certified/approved by the State Department of Education unless the school system can present evidence through due process procedures that the school's evaluation is appropriate.

If you do not feel the need to review the student's records or request a conference and you agree to an evaluation as outlined above, please give your consent by signing below.

If you DO NOT AGREE to an evaluation as outlined above, please sign below. We will contact you to arrange a personal conference as soon as possible. If an agreement cannot be reached, we may ask for a due process hearing for a decision. You have a right to request a due process hearing if you disagree with school procedures or actions leading to testing.

If you wish to see the records or arrange a conference to discuss the referral and/or the evaluation procedures and instruments you may call:

_____
(Staff Member) (Telephone) (Hours to Call)

I AGREE to an evaluation: _____ _____
(Signature of Parent) (Date)

I DO NOT AGREE to an evaluation: _____ _____
(Signature of Parent) (Date)

PLEASE RETURN THE SCHOOL COPY IN THE ENCLOSED ENVELOPE WITHIN TEN (10) DAYS. KEEP THE PARENT COPY FOR YOUR INFORMATION.

PARENTAL RIGHTS IN SPECIAL EDUCATION

As a parent of a child who is receiving special education benefits, you have certain rights which are safeguarded by state or federal statute. We want you to know about these rights.

The rights to which you are entitled are listed below in abbreviated form under nine headings. If you would like a further explanation of any of these rights, you may contact the principal, the special education coordinator, your superintendent of schools or the Program for Exceptional Children and Youth, Alabama State Department of Education, State Office Building, Montgomery, Alabama 36130 (832-3230).

RECORDS:

1) Right to inspect and review records; 2) Right to make copies of records; 3) Right to be informed of all types and locations of records being collected, maintained or used by the agency; 4) Right to ask for an explanation of any item in the records; 5) Right to ask for an amendment of any record on the ground it is found inaccurate, misleading or violates privacy rights; 6) Right to a hearing if the agency refuses to make the requested amendment.

INDEPENDENT EVALUATION:

1) Right to an independent educational evaluation; 2) Right to have the independent evaluation considered when placement and program decisions are made; 3) Right to be told where an independent evaluation may be obtained at no expense or low expense; 4) Right to have the agency pay for the independent evaluation if the agency's evaluation is not appropriate; 5) Right to be told the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained.

NOTICE:

1) Right to notice before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation or placement of your child; 2) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public; 3) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected; 4) Right to be notified of each evaluation procedure, test record or report the agency will use as a basis for any proposed action.

CONSENT:

5) Right to give consent before an evaluation is conducted and before initial placement is made in special education; 6) Right to revoke consent at any time; 7) Right of the agency to proceed in the absence of consent to a hearing to determine if your child should be initially placed.

HEARINGS:

1)Right to request an impartial due process hearing to question the agency's identification, evaluation, or placement of your child or to question the agency's provision of a free appropriate public education; 2) Right to have the hearing conducted by the State Education Agency; 3) Right to be told of any free or low-cost legal and other relevant services available (e. g., expert on handicapping conditions that may be a witness at the hearing); 4) Right to have the hearing chaired by a person not employed by a public agency involved in the education of your child or otherwise having any personal or professional interest in the hearing; 5) Right to see a statement of the qualifications of the hearing officer; 6) Right to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the handicapped; 7) Right to have your child present; 8) Right to have the hearing open to the public; 9) Right to present evidence and confront, cross-examine and compel the attendance of witnesses; 10) Right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; 11) Right to have a record of the hearing; 12) Right to obtain written findings of fact and a written decision within 45 days after the State Education Agency received the initial request for the hearing; 13) Right to appeal to the Alabama State Board of Education and receive a decision within 30 days of the filing of an appeal; 14) Right to have a hearing and an appeal set at a time reasonably convenient to the parent; 15) Right to appeal a decision from the State Board of Education in court; 16) Right to have your child remain in his or her present educational placement during the pendency of the administrative proceeding, unless parent and agency agree otherwise.

EVALUATION PROCEDURES:

1) Right to have a full and individual evaluation of your child's educational needs; 2) Right to have more than one criterion used in determining an appropriate educational program for your child; 3) Right to have the evaluation performed by a multidisciplinary team; 4) Right to have your child assessed in all areas related to the suspected disability 5) Right to have a re-evaluation every three years or more frequently if conditions warrant or if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1) Right to have your child educated with non-handicapped children to the maximum extent appropriate; 2) Right to have your child removed from the regular educational environment only after supplementary aids and services were tried and found unsatisfactory; 3) Right to have a continuum of alternative placements so that removal from the regular educational environment can be the least necessary deviation; 4) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement; 5) Right to have a placement in the school your child would attend if non-handicapped unless the individual education plan requires some other arrangement 6) Right of your child to participate with non-handicapped children in non-academic and extra-curricular services and activities such as meals, recess, counseling, clubs, athletics, and special interest groups.

CONFIDENTIALITY OF INFORMATION:

1) Right to restrict access to your child's records by withholding consent to disclose records; 2) Right to be informed before information in your child's file is to be destroyed; 3) Right to be told to whom information has been disclosed. 1

INDIVIDUALIZED EDUCATION PROGRAM:

1) Right to attend the meeting to develop, review or revise the Individualized Education Program (IEP); 2) Right to be notified of the IEP meeting early enough to ensure an opportunity to attend; 3) Right to have the IEP meeting scheduled at a mutually agreed upon time and place; 4) Right to an interpreter for those parents who are deaf or whose native language is ofther than english; 5) Right to a copy of the IEP upon requests; 6) Right to bring other peopel to the IEP meeting; 7) Right to ask for a revision of the IEP.

YES, as parents of children who are enrolled in special education, you have many rights. And for each of these rights, there are certain responsibilities ... both for you, as parents, and for your school system. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. Also, you are urged to assist the school by attending IEP conferences and by keeping the lines of communication open at all times. When you are unhappy with your child's education, it is important to tell your school principal or coordinator of special education. If you need further assistance in talking to people in the school system, there are parent groups where you can obtain help and where you can talk freely and openly about your concerns. Also, you can contact the State Department of education. But first and foremost, talk to your child's teacher, your principal, or other school administrators. Schools are there to help children grown and develop into capable adults. But schools need the help and cooperation of parents, too.

1 These rights may be found in the Federal Register. The format in which they appear in this notice is based on Educational Rights of Handicapped Children (pp. 29-30), Reed Martin, Author, Research Press Company, 1977.

I have received and understand my rights.

_____ _____

(Parent's Signature) (Date)

IEP-FORM III

REQUEST TO APPOINT SURROGATE PARENT

The duty of the LEA includes procedures to assure assignment of an individual to act as a surrogate for the parents of the child when certain stipulations cited in the federal regulations are evident.

§ 121a.514 Surrogate parents.

(a) *General.* Each public agency shall insure that the rights of a child are protected when:

(1) No parent (as defined in § 121a.10) can be identified;

(2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(3) The child is a ward of the State under the laws of that State.

(b) *Duty of public agency.* The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method (1) for determining whether a child needs a surrogate parent, and (2) for assigning a surrogate parent to the child.

(c) *Criteria for selection of surrogates.*

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Public agencies shall insure that a person selected as a surrogate:

(i) Has no interest that conflicts with the interests of the child he or she represents; and

(ii) Has knowledge and skills that insure adequate representation of the child.

(d) *Non-employee requirement; compensation.* (1) A person assigned as a surrogate may not be an employee of a public agency which is involved in the education or care of the child.

(2) A person who otherwise qualifies to be a surrogate parent under paragraph (c) and (d)(1) of this section, is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) *Responsibilities.* The surrogate parent may represent the child in all matters relating to:

(1) The identification, evaluation, and educational placement of the child, and

(2) The provision of a free appropriate public education to the child.

(20 U.S.C. 1415(b)(1)(B).)

§ 121a.10 Parent.

As used in this part, the term "parent" means a parent, a guardian, a person acting as a parent of a child, or a surrogate parent who has been appointed in accordance with § 121a.514. The term does not include the State if the child is a ward of the State.

(20 U.S.C. 1415.)

Comment. The term "parent" is defined to include persons acting in the place of a parent, such as a grandmother or stepparent with whom a child lives, as well as persons who are legally responsible for a child's welfare.

(To staff: Other forms may be needed to complete this section.)

REQUEST TO APPOINT SURROGATE PARENT

(Local Education Agency)
(Letterhead Block)

(Date)

CHILD

1. NAME _____

2. ADDRESS _____
(Number) (Street)

_____
(City) (State) (Zip Code)

3. TELEPHONE _____
(Area Code) (Number)

4. WITH WHOM IS THE CHILD RESIDING?
NAME _____

RELATIONSHIP _____

PERSON MAKING REQUEST

1. NAME _____

2. POSITION TITLE _____
3. EMPLOYER/AGENCY _____
4. BUSINESS ADDRESS _____
(Number) (Street)

_____
(City) (State) (Zip Code)

5. BUSINESS TELEPHONE _____
(Area Code) (Number)

6. WHY HAS THIS REQUEST BEEN MADE?

_____

_____

_____

Signature _____
(Person Making Request)

IEP FORM IV

NOTICE OF INTENT TO CONDUCT A REEVALUATION

(REQUIRED AT LEAST EVERY 3 YEARS)

This letter will serve as notification that a reevaluation will be conducted.

1. When the parents request a reevaluation: Parents have the right to request the LEA to conduct a reevaluation when they feel the student is in need of a more appropriate special education program.

2. When the LEA conducts a reevaluation: State and federal regulations require that each exceptional student in Alabama be reevaluated every three (3) years. Permission to conduct the reevaluation is not necessary. However, it is necessary to inform the parent, guardian or surrogate parent, and when appropriate, the student, in writing, that the reevaluation will take place. This letter will serve this purpose. (The LEA should always maintain a carbon copy of this type correspondence.)

IEP FORM IV

CHECKLIST FOR

NOTICE OF INTENT TO CONDUCT A REEVALUATION

(REQUIRED AT LEAST EVERY 3 YEARS)

Does the notice to parents to reevaluate inform the parents of:

	Yes	No
the school's responsibility to provide the reevaluation?	_____	_____
the type of tests and procedures to be used?	_____	_____
the reasons why a reevaluation is needed?	_____	_____
how the reevaluation data will be used?	_____	_____
their right to examine or make copies of relevant records regarding the identification, placement and reevaluation of the student for a free appropriate public education?	_____	_____
the right to be fully informed of the results of the reevaluation?	_____	_____
a school person to serve as the contact person between the schools and parents?	_____	_____
their rights to participate in all educational planning meetings?	_____	_____
the fact that the educational status will not be changed without the knowledge and consent of the parents?	_____	_____
the right to get an independent evaluation (after the school has evaluated), at public expense, unless the decision in a hearing is that the local agency's evaluation is appropriate?	_____	_____
the right to request a due process hearing if they disagree with school procedures or actions leading to reevaluation?	_____	_____

IEP FORM IV

NOTICE OF INTENT TO CONDUCT A REEVALUATION

(REQUIRED AT LEAST EVERY 3 YEARS)

Local Education Agency
(Letterhead Block)

(Parent, Guardian)
(Address Block)

Dear _____:

This is to notify you that _____
(School System)
will provide a reevaluation for _____ to assure that he/she
(Student's Complete Name)
has an appropriate education program. The educational program of the student will not be changed without your knowledge.

At the _____ the student will be reevaluated for the following reasons: _____
(Parent's Request/School's Request)

_____

The reevaluation would include the following:

Type of Test/Procedure	Proposed Date of Reevaluation
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

You have the right to see, inspect or make copies of education records in the student's school file. If you wish to see the records or arrange a conference to discuss the referral and/or the reevaluation procedures and instruments, you may call:

_____
(Staff Member) (Telephone) (Hours to Call)

When the reevaluation is completed you may wish to discuss the results. If the reevaluation shows that the student is eligible for placement or changes in special education programs and services, we will ask for your assistance in preparing or revising the individualized education program. If you do not agree with the school's evaluation you have a right to get an outside evaluation at public expense by a qualified examiner certified/approved by the State Department of Education unless the school system can present evidence through due process procedures that the school's evaluation is appropriate.

Sincerely,

_____
(Signature of Appropriate LEA Official)

(Individual School Address)

DEP FORM V

NOTIFICATION THAT STUDENT IS NOT EXCEPTIONAL

The LEA should always maintain a carbon copy of this type correspondence. Appropriate documentation of parent notification/involvement is required by legislation.

IEP FORM V

CHECKLIST FOR

NOTIFICATION THAT STUDENT IS NOT EXCEPTIONAL

Parents are informed of the following:	Yes	No
their right to examine or make copies of relevant records regarding the identification, evaluation and educational placement of the student.	____	____
their right to be fully informed of the results of the evaluation.	____	____
a school person to serve as the contact person between the schools and parents.	____	____
their right to request a due process hearing if they disagree with school procedures or actions leading to this decision.	____	____

IEP FORM V

NOTIFICATION THAT STUDENT IS NOT EXCEPTIONAL AND NOT ELIGIBLE FOR SPECIAL EDUCATION

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

_____ has provided an evaluation for
(School System)

_____ to assure that he/she has an appropriate
(Student's Complete Name)

educational program.

Review of the evaluation results indicate that _____
(Student's Name)

is not an exceptional student and is not in need of special programs and services as outlined in state and federal legislation related to exceptional students.

You have the right to see, inspect or make copies of education records in the student's school file. If you wish to see the records or arrange a conference to discuss the results and/or the evaluation procedures and instruments you may call:

_____
(Staff Member) (Telephone) (Hours to Call)

If you do not agree with the school's evaluation, you may wish to get an outside evaluation for your child at public expense by a qualified examiner certified/approved by the State Department of Education unless the school system can present evidence through due process procedures that the school's evaluation is appropriate.

We have a right to request a due process hearing if you disagree with school procedures or actions leading to this decision.

Sincerely,

_____
(Signature of Appropriate LEA Official)

(Individual School Address)

IEP FORM VI

REQUEST FOR PARENT TO ATTEND A MEETING TO PLAN AN INDIVIDUALIZED EDUCATION PROGRAM

Directions

The student, parent, guardian or surrogate parent is invited, in this letter, to participate in Individualized Education Program (IEP) plan development or revision. The recipient is to indicate his/her desire to participate by signing and returning the enclosed form. Local education agencies should enclose a stamped return envelope addressed to the responsible school official. Appropriate documentation of parent notification/involvement (by phone, personal contact or written) is required by legislation if the parent is not present for the IEP meeting.

§ 121a.345 Parent participation.

(a) Each public agency shall take steps to insure that one or both of the parents of the handicapped child are present at each meeting or are afforded the opportunity to participate, including:

(1) Notifying parents of the meeting early enough to insure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(b) The notice under paragraph (a) (1) of this section must indicate the purpose, time, and location of the meeting, and who will be in attendance.

(c) If neither parent can attend, the public agency shall use other methods to insure parent participation, including individual or conference telephone calls.

(d) A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place such as:

(1) Detailed records of telephone calls made or attempted and the results of those calls.

(2) Copies of correspondence sent to the parents and any responses received, and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

(e) The public agency shall take whatever action is necessary to insure that the parent understands the proceedings at a meeting, including arranging for an interpreter for parents who are deaf or whose native language is other than English.

(f) The public agency shall give the parent, on request, a copy of the individualized education program.

(20 U.S.C. 1401(19); 1412 (2)(B), (4), (6); 1414(a)(5).)

Comment. The notice in paragraph (a) could also inform parents that they may bring other people to the meeting. As indicated in paragraph (c), the procedure used to notify parents (whether oral or written or both) is left to the discretion of the agency, but the agency must keep a record of its efforts to contact parents.

IEP FORM VIa
(School Copy)

REQUEST FOR PARENTS TO ATTEND A MEETING
TO PLAN AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

This is to inform you that we have completed _____
(Student's Complete Name)
evaluations which the Eligibility Determination Committee reviewed and from which they determined him/her eligible for placement in special education and/or related services. We wish to plan and/or revise his/her individualized education program (IEP). It is your right and you are encouraged to join with this planning committee so that you may participate and be fully informed concerning program and/or placement revisions that may be necessary.

The meeting to develop your child's individualized education program has been scheduled for _____ _____ _____
(Date) (Time) (Place)

Please indicate below your decision to particpate in this planning meeting. If you have any questions or for some reason must change the scheduled time to attend, please call me.

_____ _____ _____
(Signature of Aprropriate LEA Official) (Date) (Telephone)

_____

_____ We would like to participate in planning or revising our child's individualized education program (IEP).

_____ _____
(Parent's Signature) (Date)

_____ We do not desire to participate in the planning or revising of our child's individualized education program (IEP).

Please return this letter as soon as possible. If you do not desire to participate, we will hold an IEP planning meeting without you. You have a right to review the IEP developed for your child.

_____ _____
(Parent's Signature (Date)

IEP FORM VIb
(Parent Copy)

REQUEST FOR PARENTS TO ATTEND A MEETING TO PLAN AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

This is to inform you that we have completed _____
(Student's Complete Name)
evaluations which the Eligibility Determination Committee reviewed and from which they determined him/her eligible for placement in special education and/or related services. We wish to plan and/or revise his/her individualized education program (IEP). It is your right and you are encouraged to join with this planning committee so that you may participate and be fully informed concerning program and/or placement revisions that may be necessary.

The meeting to develop your child's individualized education program has been scheduled for _____ _____ _____
(Date) (Time) (Place)

Please indicate below your decision to particpate in this planning meeting. If you have any questions or for some reason must change the scheduled time to attend, please call me.

_____ _____ _____
(Signature of Aprropriate LEA Official) (Date) (Telephone)

_____

_____ We would like to participate in planning or revising our child's individualized education program (IEP).

_____ _____
(Parent's Signature) (Date)

_____ We do not desire to participate in the planning or revising of our child's individualized education program (IEP).

Please return this letter as soon as possible. If you do not desire to participate, we will hold an IEP planning meeting without you. You have a right to review the IEP developed for your child.

_____ _____
(Parent's Signature (Date)

IEP FORM VII

INDIVIDUAL EDUCATION PROGRAM (IEP) PLAN

An individualized education program (IEP) will be written for all school age students (6-21) in the State of Alabama who are identified as needing special education and/or related services. The requirements must be met as specified by state and federal regulations. The IEP must include:

> **§ 121a.346 Content of individualized education program.**
>
> The individualized education program for each child must include:
>
> (a) A statement of the child's present levels of educational performance;
>
> (b) A statement of annual goals, including short term instructional objectives;
>
> (c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs;
>
> (d) The projected dates for initiation of services and the anticipated duration of the services; and
>
> (e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.
>
> (20 U.S.C. 1401(19); 1412 (2)(B), (4), (5), 1414(a)(5); Senate Report No. 94 168, p. 11 (1975).)

The IEP should be presented to the parents for approval signatures if they are not present at the planning meeting. Duplicate copies should be available so that the parents may keep a copy. If the parent(s) are not present for the planning meeting it is highly recommended that this notice be presented in person or mailed by certified mail.

Included in this packet is the IEP Form (VIIa) developed in March, 1977 by the staff of the Program for Exceptional Children and Youth along with a newly developed IEP Form (VIIIb). An LEA may wish to consider utilization of one of these forms when developing and implementing IEPs.

If Form VIIa is used a space should be added to specify the type physical education program to be provided.

REPORT: SETN210
PAGE: 1

ALABAMA STATE DEPARTMENT OF EDUCATION
SPECIAL EDUCATION TRACKING SYSTEM
INDIVIDUALIZED EDUCATION PROGRAM

PREPARED: 01/28/81
AS OF: 01/29/81

NAME: _____ , _____ - 0000000

DATE OF INITIAL IEP IMPLEMENTATION: / /

ACTION: ADD *

DATE OF ENROLLMENT AT PRESENT SCHOOL/OTHER AGENCY: / /

GENERAL INFORMATION

	CURRENT	UPDATE
LEA - OTHER AGENCY	000	
SCHOOL	0000	
TEACHER	000000000-00	
GRADE	00	
DATE OF BIRTH	00/00/00	/ /
SEX	0	
RACE/ETHNIC BACKGROUND	0	
ENGLISH SPEAKING	0	
PUBLIC OR NON-PUBLIC SCHOOL	0	
FEDERAL FUNDING	0	
REFERRAL DATE	00/00/00	/ /
PERMISSION TO EVALUATE DATE	00/00/00	/ /
NOTIFICATION OF PARENTAL RIGHTS	00/00/00	/ /
PRESENT LEVEL OF PERFORMANCE SUMMARY	00/00/00	/ /

	CURRENT	UPDATE
ELIGIBILITY DETERMINATION	00/00/00	/ /
IEP MEETING NOTICE	00/00/00	/ /
IEP MEETING	00/00/00	/ /
PLACEMENT PERMISSION	00/00/00	/ /
IEP IMPLEMENTATION FROM:	00/00/00	/ /
IEP IMPLEMENTATION TO:	00/00/00	/ /
3-YEAR REEVALUATION NOTICE	00/00/00	/ /
3-YEAR REEVALUATION DUE DATE	00/00/00	
ANNUAL IEP REVIEW DATE	00/00/00	

TIME SPENT IN SPECIAL EDUCATION PROGRAMS	X	CODE
LESS THAN 10 HOURS PER WEEK		1
MORE THAN 10 HOURS PER WEEK BUT LESS THAN FULL TIME		2
FULL TIME		3

EXCEPTIONALITY

TYPE OF EXCEPTIONALITY	PRI	SEC	CODE
DEAF	/		01
DEAF/BLIND	/		02
HARD OF HEARING	/		03
EDUCABLE MENTALLY RETARDED	/		04
TRAINABLE MENTALLY RETARDED	/		05
PROFOUNDLY MENTALLY RETARDED	/		06
MULTIHANDICAPPED	/		07
ORTHOPEDICALLY IMPAIRED	/		08
OTHER HEALTH IMPAIRED	/		09
EMOTIONALLY DISTURBED	/		10
SPECIFIC LEARNING DISABILITY	/		11
SPEECH IMPAIRED	/		12
VISUALLY HANDICAPPED	/		13
GIFTED	/		14

** TOTAL EXCEPTIONALITIES CHECKED __

SCREENINGS/EVALUATIONS

	CURRENT	UPDATE
VISION	00/00/00	/ /
HEARING	00/00/00	/ /
INTELLECTUAL TEST DATE AND CODE	00/00/00-0	/ / -
PSYCHOMETRIST	0000	
BEHAVIORAL/SOCIAL	00/00/00	/ /
EDUCATIONAL ACHIEVEMENT	00/00/00	/ /
OBSERVATION SUMMARY	00/00/00	/ /
DISADVNTG CHKLST	00/00/00	/ /
DIAGNOSTIC READING	00/00/00	/ /
DIAGNOSTIC MATHEMATICS	00/00/00	/ /
LANGUAGE	00/00/00	/ /
SPEECH	00/00/00	/ /
MEDICAL	00/00/00	/ /
MOTOR ASSESSMENT	00/00/00	/ /
CREATIVITY ASSESSMENT	00/00/00	/ /
DEVELOPMENTAL SCALE	00/00/00	/ /
AUDITORY PERCEPTION	00/00/00	/ /
VISUAL PERCEPTION	00/00/00	/ /
VOCATIONAL ASSESSMENT	00/00/00	/ /
OTHER	00/00/00	/ /

** TOTAL NUMBER UPDATED __

NAME: _____, _____ - 0000000 PAGE: 2

LEAST RESTRICTIVE ENVIRONMENT

TYPE OF ENVIRONMENT	X	CODE
REGULAR CLASS / INDIRECT SERVICES		01
REGULAR CLASS / DIRECT SERVICES		02
REGULAR CLASS / RESOURCE ROOM		03
SELF-CONTAINED / PART-TIME / REGULAR CLASS		04
SELF-CONTAINED / REGULAR SCHOOL / INTERACTION WITH NON-EXCEPTIONAL PEERS		05
SELF-CONTAINED / REGULAR SCHOOL / NO INTERACTION WITH NON-EXCEPTIONAL PEERS		06
SELF-CONTAINED / PUBLIC DAY SCHOOL		07
SELF-CONTAINED / PRIVATE DAY SCHOOL		08
PUBLIC RESIDENTIAL		09
PRIVATE RESIDENTIAL		10
HOME / HOSPITAL		11
OTHER		12
** TOTAL ENVIRONMENTS CHECKED		

OTHER SPECIFIC SERVICES

	REG CD	SP CD		REG CD	SP CD
LANGUAGE ARTS	1	2	FINE ARTS	1	2
MATHEMATICS	1	2	PHYS ED	1	2
SOCIAL SCIENCE	1	2	OTHER	1	2
NATURAL SCI	1	2	** TOTAL CHECKED		

SPECIFIC SERVICES

TYPE OF SPECIFIC SERVICE	X	CODE
ADAPTED PHYSICAL EDUCATION		01
ON-THE-JOB TRAINING		02
DRIVER EDUCATION		03
BEHAVIOR MGMT TRAINING		04
VISION MOBILITY TRAINING		05
SPEECH / LANGUAGE		06
AUDITORY TRAINING		07
SELF-HELP SKILLS		08
COMMUNITY LIVING SKILLS		09
ACCELERATION		10
REGULAR TRANSPORTATION		11
REGULAR NON-INSTRUCTIONAL ACTIVITIES		12
REGULAR HOMEROOM		13
DEAF COMMUNICATION		14
BRAILLE INSTRUCTION		15
REGULAR VOCATIONAL ED		16
SPECIAL VOCATIONAL ED		17
OTHER		18
** TOTAL SERVICES CHECKED		

RELATED SERVICES

TYPE OF RELATED SERVICE	X	CODE
AUDITORY TRAINING		01
COUNSELING		02
EARLY IDENTIFICATION		03
MEDICAL		04
OCCUPATIONAL THERAPY		05
PARENT COUNSELING/TRAINING		06
PHYSICAL THERAPY		07
PSYCHOLOGICAL SERVICES		08
RECREATION		09
SCHOOL HEALTH SERVICES		10
SOCIAL WORK		11
SPEECH PATHOLOGY		12
SPECIAL TRANSPORTATION		13
SPECIAL EQUIPMENT OR MOD		14
SPECIAL/ADDITIONAL SUPPLIES		15
CURRICULUM MODIFICATION		16
LOW VISION AID		17
INTERPRETER		18
OTHER		19
** TOTAL SERVICES CHECKED		

COMPLETE FOR VISUALLY HANDICAPPED AND DEAF/BLIND

PRIMARY READING MEDIUM	X	CODE	PRIMARY READING MEDIUM	X	CODE
BRAILLE		1	LARGE TYPE/INK		4
BRAILLE/LG TYPE		2	REGULAR INK		5
LARGE TYPE		3	AURAL		6

** TOTAL NUMBER UPDATED

EXCEPTIONALITIES

	CURRENT	UPDATE
OS VIS ACUITY	00/000	
OD VIS ACUITY	00/000	
GR/READING LEV	00-00	

IEP COMMITTEE

PARENT: _____ DATE: _____

LEA REP: _____ DATE: _____

TEACHER: _____ DATE: _____

OTHER: _____ DATE: _____

IEP-1 Form VII-b
PECY
February 1981

ALABAMA INDIVIDUALIZED EDUCATION PROGRAM

Evaluation/Present Level of Education Performance
Summary For: _____ (Name of Student)

Date Evaluation Completed: _____

LEA/Other Agency: _____

School: _____

Area Evaluated	Assessment Instrument & Date Administered	Areas of Strength	Areas of Weakness
Vision			
Hearing			
Intelligence			
Behavior Rating or Social Maturity			
Educational Achievement			
Other			

ALABAMA INDIVIDUALIZED EDUCATION PROGRAM

IEP-2 Form VII-c
PECY
February 1981

IMPLEMENTATION PLAN FOR: _____
(Name of Student)

LEA/Other Agency: _____ School: _____ Year: _____

Vocational Education Occupational Goal (If Applicable): _____

SPECIAL GOALS AND OBJECTIVES	TYPE EVALUATION	DATE
AREA: _____ Annual Goal: Objective: Objective:		
AREA: _____ Annual Goal: Objective: Objective:		
AREA: _____ Annual Goal: Objective: Objective:		
AREA: _____ Annual Goal: Objective: Objective:		

IEP FORM VIII

RECOMMENDED PLACEMENT NOTICE

If the parents are present for the IEP and placement planning meeting, have them sign the PLACEMENT NOTICE and the IEP plan.

If the parents are not present for the IEP planning meeting, the completed IEP should accompany the PLACEMENT NOTICE for the parent's approval. It is highly recommended that this notice be presented in person or mailed by certified mail.

A return self-addressed envlope should be enclosed if the mails are utilized.

If the parents do not choose to approve the recommended placement, the CONFERENCE RECORD AND PARENTAL RESPONSE FORM (IEP Form VIII) should be completed indicating an attempt by the LEA and parents to resolve areas of concern - See CONFERENCE RECORD AND PARENTAL RESPONSE FORM for more information.

The parents have a right to request a due process hearing if they disagree with school procedures or actions leading to placement.

If an agreement cannot be reached, the LEA may ask for a due process hearing for a decision.

IEP FORM VIIIa
(School Copy)

RECOMMENDED PLACEMENT NOTICE

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

The recommended educational program and placement proposed for _____
(Student's Complete Name)
is _____ at _____
(Education, Status and Placement)
as shown on the Individualized Education Program (IEP). Other options considered were: _____
_____
_____
Those options were rejected because: _____
_____
_____
If you approve this recommendation, sign, date and indicate this below:

_____ We APPROVE the recommended placement and program.

_____ We DO NOT APPROVE the recommended placement and program.

_____ _____
(Date) (Parent's Signature)

If you were not present for the IEP planning meeting, please review carefully the enclosed IEP. If you have any questions, you have the right to request a conference to discuss this with school personnel before this student placement is made or the program is begun. If you disagree with the outcome of this conference, you may request a formal hearing to contest the recommended educational program and placement before it is carried out. You should also be aware of and understand that you have the following rights:

1. To review or make copies of records related to the recommended placement.
2. To be fully informed of the results of the evaluation used to determine the placement.
3. To refuse to permit the placement (in which case the school system can request a hearing to question your decision).
4. If you do not agree with the school's evaluation, you have a right to get an outside evaluation at public expense unless the school can present evidence that the school's evaluation is appropriate.
5. To request a due process hearing if you disagree with school procedures or actions leading to placement.

If you wish to participate in a conference, sign and indicate this below; then return the school copy in the enclosed envelope.

For further information contact: _____
(Name) (Title) (Phone)

_____
(Signature of Appropriate LEA Official)

_____ I wish to request a conference to discuss this placement.

_____ _____
(Date) (Parent's Signature)

(PLEASE RETURN THIS NOTICE TO THE SCHOOL IN THE ENCLOSED ENVELOPE.)

PARENTAL RIGHTS IN SPECIAL EDUCATION

As a parent of a child who is receiving special education benefits, you have certain rights which are safeguarded by state or federal statute. We want you to know about these rights.

The rights to which you are entitled are listed below in abbreviated form under nine headings. If you would like a further explanation of any of these rights, you may contact the principal, the special education coordinator, your superintendent of schools or the Program for Exceptional Children and Youth, Alabama State Department of Education, State Office Building, Montgomery, Alabama 36130 (832-3230).

RECORDS:

1) Right to inspect and review records; 2) Right to make copies of records; 3) Right to be informed of all types and locations of records being collected, maintained or used by the agency; 4) Right to ask for an explanation of any item in the records; 5) Right to ask for an amendment of any record on the ground it is found inaccurate, misleading or violates privacy rights; 6) Right to a hearing if the agency refuses to make the requested amendment.

INDEPENDENT EVALUATION:

1) Right to an independent educational evaluation; 2) Right to have the independent evaluation considered when placement and program decisions are made; 3) Right to be told where an independent evaluation may be obtained at no expense or low expense; 4) Right to have the agency pay for the independent evaluation if the agency's evaluation is not appropriate; 5) Right to be told the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained.

NOTICE:

1) Right to notice before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation or placement of your child; 2) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public; 3) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected; 4) Right to be notified of each evaluation procedure, test record or report the agency will use as a basis for any proposed action.

CONSENT:

5) Right to give consent before an evaluation is conducted and before initial placement is made in special education; 6) Right to revoke consent at any time; 7) Right of the agency to proceed in the absence of consent to a hearing to determine if your child should be initially placed.

HEARINGS:

1)Right to request an impartial due process hearing to question the agency's identification, evaluation, or placement of your child or to question the agency's provision of a free appropriate public education; 2) Right to have the hearing conducted by the State Education Agency; 3) Right to be told of any free or low-cost legal and other relevant services available (e. g., expert on handicapping conditions that may be a witness at the hearing); 4) Right to have the hearing chaired by a person not employed by a public agency involved in the education of your child or otherwise having any personal or professional interest in the hearing; 5) Right to see a statement of the qualifications of the hearing officer; 6) Right to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the handicapped; 7) Right to have your child present; 8) Right to have the hearing open to the public; 9) Right to present evidence and confront, cross-examine and compel the attendance of witnesses; 10) Right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; 11) Right to have a record of the hearing; 12) Right to obtain written findings of fact and a written decision within 45 days after the State Education Agency received the initial request for the hearing; 13) Right to appeal to the Alabama State Board of Education and receive a decision within 30 days of the filing of an appeal; 14) Right to have a hearing and an appeal set at a time reasonably convenient to the parent; 15) Right to appeal a decision from the State Board of Education in court; 16) Right to have your child remain in his or her present educational placement during the pendency of the administrative proceeding, unless parent and agency agree otherwise.

EVALUATION PROCEDURES:

1) Right to have a full and individual evaluation of your child's educational needs; 2) Right to have more than one criterion used in determining an appropriate educational program for your child; 3) Right to have the evaluation performed by a multidisciplinary team; 4) Right to have your child assessed in all areas related to the suspected disability 5) Right to have a re-evaluation every three years or more frequently if conditions warrant or if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1) Right to have your child educated with non-handicapped children to the maximum extent appropriate; 2) Right to have your child removed from the regular educational environment only after supplementary aids and services were tried and found unsatisfactory; 3) Right to have a continuum of alternative placements so that removal from the regular educational environment can be the least necessary deviation; 4) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement; 5) Right to have a placement in the school your child would attend if non-handicapped unless the individual education plan requires some other arrangement 6) Right of your child to participate with non-handicapped children in non-academic and extra-curricular services and activities such as meals, recess, counseling, clubs, athletics, and special interest groups.

CONFIDENTIALITY OF INFORMATION:

1) Right to restrict access to your child's records by withholding consent to disclose records; 2) Right to be informed before information in your child's file is to be destroyed; 3) Right to be told to whom information has been disclosed. 1

INDIVIDUALIZED EDUCATION PROGRAM:

1) Right to attend the meeting to develop, review or revise the Individualized Education Program (IEP); 2) Right to be notified of the IEP meeting early enough to ensure an opportunity to attend; 3) Right to have the IEP meeting scheduled at a mutually agreed upon time and place; 4) Right to an interpreter for those parents who are deaf or whose native language is ofther than english; 5) Right to a copy of the IEP upon requests; 6) Right to bring other peopel to the IEP meeting; 7) Right to ask for a revision of the IEP.

YES, as parents of children who are enrolled in special education, you have many rights. And for each of these rights, there are certain responsibilities ... both for you, as parents, and for your school system. The school system is responsible for safeguarding your rights. You, in turn, should attempt to keep the school system informed of things that affect your child's education. Also, you are urged to assist the school by attending IEP conferences and by keeping the lines of communication open at all times. When you are unhappy with your child's education, it is important to tell your school principal or coordinator of special education. If you need further assistance in talking to people in the school system, there are parent groups where you can obtain help and where you can talk freely and openly about your concerns. Also, you can contact the State Department of education. But first and foremost, talk to your child's teacher, your principal, or other school administrators. Schools are there to help children grown and develop into capable adults. But schools need the help and cooperation of parents, too.

1 These rights may be found in the Federal Register. The format in which they appear in this notice is based on Educational Rights of Handicapped Children (pp. 29-30). Reed Martin, Author, Research Press Company, 1977.

I have received and understand my rights. 66

_____ _____

(Parent's Signature) (Date)

RECOMMENDED PLACEMENT NOTICE

IEP FORM VIIIb
(Parent Copy)

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

The recommended educational program and placement proposed for _____
(Student's Complete Name)
is _____ at _____
(Education, Status and Placement)
as shown on the Individualized Education Program (IEP). Other options considered were: _____

Those options were rejected because: _____

If you approve this recommendation, sign, date and indicate this below:

_____ We APPROVE the recommended placement and program.

_____ We DO NOT APPROVE the recommended placement and program.

_____ _____
(Date) (Parent's Signature)

If you were not present for the IEP planning meeting, please review carefully the enclosed IEP. If you have any questions, you have the right to request a conference to discuss this with school personnel before this student placement is made or the program is begun. If you disagree with the outcome of this conference, you may request a formal hearing to contest the recommended educational program and placement before it is carried out. You should also be aware of and understand that you have the following rights:

1. To review or make copies of records related to the recommended placement.
2. To be fully informed of the results of the evaluation used to determine the placement.
3. To refuse to permit the placement (in which case the school system can request a hearing to question your decision).
4. If you do not agree with the school's evaluation, you have a right to get an outside evaluation at public expense unless the school can present evidence that the school's evaluation is appropriate.
5. To request a due process hearing if you disagree with school procedures or actions leading to placement.

If you wish to participate in a conference, sign and indicate this below; then return the school copy in the enclosed envelope.

For further information contact: _____
(Name) (Title) (Phone)

_____
(Signature of Appropriate LEA Official)

_____ I wish to request a conference to discuss this placement.

_____ _____
(Date) (Parent's Signature)

(PLEASE RETURN THIS NOTICE TO THE SCHOOL IN THE ENCLOSED ENVELOPE.)

PARENTAL RIGHTS IN SPECIAL EDUCATION

As a parent of a child who is receiving special education benefits, you have certain rights which are safeguarded by state or federal statute. We want you to know about these rights.

The rights to which you are entitled are listed below in abbreviated form under nine headings. If you would like a further explanation of any of these rights, you may contact the principal, the special education coordinator, your superintendent of schools or the Program for Exceptional Children and Youth, Alabama State Department of Education, State Office Building, Montgomery, Alabama 36130 (832-3230).

RECORDS:

1) Right to inspect and review records; 2) Right to make copies of records; 3) Right to be informed of all types and locations of records being collected, maintained or used by the agency; 4) Right to ask for an explanation of any item in the records; 5) Right to ask for an amendment of any record on the ground it is found inaccurate, misleading or violates privacy rights; 6) Right to a hearing if the agency refuses to make the requested amendment.

INDEPENDENT EVALUATION:

1) Right to an independent educational evaluation; 2) Right to have the independent evaluation considered when placement and program decisions are made; 3) Right to be told where an independent evaluation may be obtained at no expense or low expense; 4) Right to have the agency pay for the independent evaluation if the agency's evaluation is not appropriate; 5) Right to be told the procedures for obtaining an independent evaluation at public expense and the conditions under which such an evaluation may be obtained.

NOTICE:

1) Right to notice before the agency initiates or changes (or refuses to initiate or change) the identification, evaluation or placement of your child; 2) Right to have that notice in writing, in your native language, or other principal mode of communication, at a level understandable to the general public; 3) Right to have the notice describe the proposed action, explain why it is proposed, describe the options considered and explain why those other options were rejected; 4) Right to be notified of each evaluation procedure, test record or report the agency will use as a basis for any proposed action.

CONSENT:

5) Right to give consent before an evaluation is conducted and before initial placement is made in special education; 6) Right to revoke consent at any time; 7) Right of the agency to proceed in the absence of consent to a hearing to determine if your child should be initially placed.

HEARINGS:

1)Right to request an impartial due process hearing to question the agency's identification, evaluation, or placement of your child or to question the agency's provision of a free appropriate public education; 2) Right to have the hearing conducted by the State Education Agency; 3) Right to be told of any free or low-cost legal and other relevant services available (e. g., expert on handicapping conditions that may be a witness at the hearing); 4) Right to have the hearing chaired by a person not employed by a public agency involved in the education of your child or otherwise having any personal or professional interest in the hearing; 5) Right to see a statement of the qualifications of the hearing officer; 6) Right to be advised and accompanied at the hearing by counsel and to be accompanied by individuals with special knowledge or training in problems of the handicapped; 7) Right to have your child present; 8) Right to have the hearing open to the public; 9) Right to present evidence and confront, cross-examine and compel the attendance of witnesses; 10) Right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing; 11) Right to have a record of the hearing; 12) Right to obtain written findings of fact and a written decision within 45 days after the State Education Agency received the initial request for the hearing; 13) Right to appeal to the Alabama State Board of Education and receive a decision within 30 days of the filing of an appeal; 14) Right to have a hearing and an appeal set at a time reasonably convenient to the parent; 15) Right to appeal a decision from the State Board of Education in court; 16) Right to have your child remain in his or her present educational placement during the pendency of the administrative proceeding, unless parent and agency agree otherwise.

EVALUATION PROCEDURES:

1) Right to have a full and individual evaluation of your child's educational needs; 2) Right to have more than one criterion used in determining an appropriate educational program for your child; 3) Right to have the evaluation performed by a multidisciplinary team; 4) Right to have your child assessed in all areas related to the suspected disability 5) Right to have a re-evaluation every three years or more frequently if conditions warrant or if you or your child's teacher requests it.

LEAST RESTRICTIVE ENVIRONMENT:

1) Right to have your child educated with non-handicapped children to the maximum extent appropriate; 2) Right to have your child removed from the regular educational environment only after supplementary aids and services were tried and found unsatisfactory; 3) Right to have a continuum of alternative placements so that removal from the regular educational environment can be the least necessary deviation; 4) Right to have supplementary services such as resource room or itinerant instruction to make it possible for your child to remain in a regular class placement; 5) Right to have a placement in the school your child would attend if non-handicapped unless the individual education plan requires some other arrangement 6) Right of your child to participate with non-handicapped children in non-academic and extra-curricular services and activities such as meals, recess, counseling, clubs, athletics, and special interest groups.

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INDIVIDUALIZED EDUCATION PROGRAM:

1) Right to attend the meeting to develop, review or revise the Individualized Education Program (IEP); 2) Right to be notified of the IEP meeting early enough to ensure an opportunity to attend; 3) Right to have the IEP meeting scheduled at a mutually agreed upon time and place; 4) Right to an interpreter for those parents who are deaf or whose native language is ofther than english; 5) Right to a copy of the IEP upon requests; 6) Right to bring other peopel to the IEP meeting; 7) Right to ask for a revision of the IEP.

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I have received and understand my rights.

68

_____ _____

(Parent's Signature) (Date)

IEP FORM IX

CONFERENCE RECORD AND PARENTAL RESPONSE FORM

This form should be completed immediately following or during any conference held for the purpose of resolving placement/program concerns. Completion of the form offers the opportunity for parents to request a due process hearing.

The parent may wish to take this form home for further consideration before signing. In this event a self-addressed envelope should be furnished to the parent(s).

IEP FORM IXa
(School Copy)

CONFERENCE RECORD AND PARENTAL RESPONSE FORM

(School System)
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

This letter will serve as a record of the conference with you on _____
(Date)

_____.
(Place of Conference)

The following persons were participants:

NAME	TITLE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The issues resolved and/or changes made were:

_____
_____
_____
_____

The issues not resolved were:

_____
_____
_____
_____

IF YOU APPROVE of the recommended placement and program for the student, please check the space provided for approval and sign your name. Changes in the original plan will be made as indicated under "issues resolved." You will receive a copy of the revised placement and program plan. As soon as you give your approval the program will begin as planned.

IF YOU DO NOT APPROVE the recommended placement and program and your concerned issues were not resolved, you may wish to request a hearing. If so, check the space on the following page that is provided for disapproval and sign. To request a hearing send your request to:

_____
(Name)

_____
(Address)

_____

If you do not approve of the recommended placement and program, the student will remain is his/her present assignment until a decision is made by the hearing officer.

Please check one and sign.

_____ I APPROVE of the educational placement and program which is recommended.

_____ I DO NOT APPROVE of the educational placement and program which is recommended. I therefore request a hearing.

_____ _____
(Date) (Signature of Parent)

_____
(Signature of Appropriate School Official)

(Individual School Address)

CONFERENCE RECORD AND PARENTAL RESPONSE FORM

IEP FORM IXb
(Parent Copy)

(School System)
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

This letter will serve as a record of the conference with you on _____
(Date)

_____.
(Place of Conference)

The following persons were participants:

NAME	TITLE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The issues resolved and/or changes made were:

_____
_____
_____
_____

The issues not resolved were:

_____
_____
_____
_____

IF YOU APPROVE of the recommended placement and program for the student, please check the space provided for approval and sign your name. Changes in the original plan will be made as indicated under "issues resolved." You will receive a copy of the revised placement and program plan. As soon as you give your approval the program will begin as planned.

IF YOU DO NOT APPROVE the recommended placement and program and your concerned issues were not resolved, you may wish to request a hearing. If so, check the space on the following page that is provided for disapproval and sign. To request a hearing send your request to:

_____
(Name)

_____
(Address)

_____

If you do not approve of the recommended placement and program, the student will remain is his/her present assignment until a decision is made by the hearing officer.

Please check one and sign.

_____ I APPROVE of the educational placement and program which is recommended.

_____ I DO NOT APPROVE of the educational placement and program which is recommended. I therefore request a hearing.

_____ _____
(Date) (Signature of Parent)

_____
(Signature of Appropriate School Official)

(Individual School Address)

IEP FORM X

NOTICE OR REQUEST FOR HEARING

This form is to be used when the parent(s) or the school system initiates a hearing concerning the identification, evaluation or educational placement of a student.

The LEA should always maintain a carbon copy of this type correspondence. Appropriate documentation of parent notification/involvement is required by legislation.

The Federal Register (121a.506) states that:

> **§ 121a.506 Impartial due process hearing.**
>
> (a) A parent or a public educational agency may initiate a hearing on any of the matters described in § 121a.504(a)(1) and (2).
>
> (b) The hearing must be conducted by the State educational agency or the public agency directly responsible for the education of the child, as determined under State statute, State regulation, or a written policy of the State educational agency.
>
> (c) The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if:
>
> (1) The parent requests the information; or
>
> (2) The parent or the agency initiates a hearing under this section.
>
> (20 U.S.C. 1416(b)(2).)
>
> *Comment:* Many States have pointed to the success of using mediation as an intervening step prior to conducting a formal due process hearing. Although the process of mediation is not required by the statute or these regulations, an agency may wish to suggest mediation in disputes concerning the identification, evaluation, and educational placement of handicapped children, and the provision of a free appropriate public education to those children. Mediations have been conducted by members of State educational agencies or local educational agency personnel who were not previously involved in the particular case. In many cases, mediation leads to resolution of differences between parents and agencies without the development of an adversarial relationship and with minimal emotional stress. However, mediation may not be used to deny or delay a parent's rights under this subpart.

Each school system should develop a list of services applicable to their particular geographical area that serves as an enclosure that will satisfy the above regulation. The LEA must also enclose the ALABAMA DUE PROCESS PROCEDURES as outlined in the current Alabama Annual Program Plan for EHA.

NOTICE OF REQUEST FOR A HEARING

Local Education Agency
(Letterhead Block)

(Date)

(Parent, Guardian)
(Address Block)

Dear _____:

This is to notify you that _____
(School System)
filed a request with the State Department of Education on _____
(Date)
for a due process hearing before an impartial officer pertaining to the proposed

_____
(Identification, Evaluation, Placement or Free Appropriate Public Education)

_____
(Student's Complete Name)

The hearing officer will notify you as to the time and place of the hearing.

If you do not agree with the school's evaluation, you have a right to obtain an independent evaluation at public expense by a qualified examiner certified/approved by the State Department of Education unless the school system can present evidence through due process procedures that the school's evaluation is appropriate. You have the right to be represented at the hearing by a person or persons of your choice. You also have the right to review and/or copy all of your child's school records. A small fee may be charged for duplication services relating to this.

Enclosed is a copy of the hearing procedure and a description of your rights. A list of agencies in the community from which legal counsel may be obtained is also enclosed.

Should you have any questions, please feel free to contact me. We hope that this hearing will help us to reach an agreement so that your child is assured of an appropriate education.

Please be assured of our continued interest in working with you to provide the best possible placement/program for your child.

_____
(Signature of Appropriate Official)

_____ _____
(Telephone)

(Individual School Address)